

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)
SARAH MARTIN,)
PLAINTIFF,)
v.)
OLD DOMINION FREIGHT LINE AND)
JOHN DOE,)
DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
FOR THE EIGHTH CIRCUIT

CASE NO. 2022-CP-36-

SUMMONS
(Jury Trial Demanded)

TO THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to this Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

THE MELONAKOS LAW FIRM
1310 Augusta Street
Greenville, SC 29605
864-485-5555
864-752-1600
ryan@scinjuryattorney.com

s/ Ryan P. Alderson
Ryan P. Alderson, Esq.
SC Bar No. 103126
Attorney for Plaintiff

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY)	FOR THE EIGHTH CIRCUIT
)	
SARAH MARTIN,)	CASE NO. 2022-CP-36-
)	
PLAINTIFF,)	
)	COMPLAINT FOR DAMAGES
v.)	(Jury Trial Demanded)
)	
OLD DOMINION FREIGHT LINE AND)	
JOHN DOE,)	
)	
DEFENDANTS.)	
_____)	

COMES NOW, Sarah Martin, by and through the undersigned counsel of record and files this Complaint for Damages against Defendants Old Dominion Freight Line and John Doe, and hereby shows this Honorable Court as follows:

PARTIES, JURISDICTION, VENUE, AND SERVICE OF PROCESS

1. The Plaintiff is a citizen of the State of Alabama and, by bringing this action, subjects herself to the jurisdiction of this Court.
2. The Defendant, Old Dominion Freight Line (hereinafter "Old Dominion"), is a foreign corporation that conducts business hauling goods over the roadways of South Carolina and is subject to the jurisdiction of this Court. Old Dominion may be served with process at C T Corporation System, 2 Office Park Court, Suite 103, Columbia, South Carolina 29223.
3. The Defendant, John Doe (hereinafter "Defendant Doe") is unknown. While Plaintiff believes Old Dominion is fully responsible for this incident, Plaintiff has included Defendant Doe out of an abundance of caution.
4. The collision giving rise to this action occurred in Newberry County, South Carolina.
5. Venue and jurisdiction are proper for the foregoing reasons.

6. The Defendant has been properly served with process in this action.

FACTUAL BACKGROUND

7. The Plaintiff repeats the foregoing allegations as if repeated here, verbatim.
8. On 12/17/2019, the Plaintiff, was traveling on I-26 in Newberry County, South Carolina.
9. At the same time, Defendant Doe was operating an Old Dominion tractor trailer on I-26 in Newberry County, South Carolina when it struck the Plaintiff's vehicle in the rear.
10. The tractor-trailer involved in the collision was owned by Old Dominion.
11. Defendant Doe was operating the Old Dominion tractor trailer in the performance of his job duties with Old Dominion at the time of the collision.
12. The force of the collision directly and proximately caused the Plaintiff to suffer injuries and damages.

FOR A FIRST CAUSE OF ACTION

(Negligence of Defendant Doe)

13. The Plaintiff repeats the foregoing allegations as if repeated here, verbatim.
14. Defendant Doe owed the Plaintiff certain duties, including, but not limited to, duties of care to:
- a. operate the vehicle in a reasonably safe manner;
 - b. obey the rules of the road;
 - c. obey the statutes that govern the operation of motor vehicles on the roadways of South Carolina;
 - d. leave a safe distance between his vehicle and other vehicles;
 - e. slow his vehicle as required by traffic, road, and weather conditions;
 - f. yield to other vehicles with the right of way;
 - g. perform other duties as will be shown through discovery and at trial.
15. Breaches of that duty of care constitute negligence and sometimes recklessness.
16. Defendant Doe breached his duty of care to the Plaintiff in one or more of the following ways:
- a. failing to apply brakes or failing to maintain brakes in a safe operating condition;

- b. failing to keep a proper lookout;
 - c. failing to maintain a safe distance while traveling near the Plaintiff;
 - d. failing to keep his vehicle under proper control;
 - e. failing to slow his vehicle by reason of traffic, road and/or weather conditions;
 - f. failing to yield right of way;
 - g. driving too fast for conditions; and
 - h. in such other ways as will become evident through discovery.
17. As a direct and proximate result of the Defendant's negligence, the Plaintiff has suffered some, or all, of the following injuries and damages:
- a. expenses for medical care and treatment, in the past, present, and future;
 - b. physical pain and suffering;
 - c. emotional trauma;
 - d. partial and permanent impairment of physical function;
 - e. inconvenience;
 - f. temporary and permanent partial inability to engage in activities of daily living;
 - g. lost time and opportunity to earn income;
 - h. property damage;
 - i. loss of enjoyment of life; and
 - j. other damages that will be shown through discovery and at trial.
18. The Plaintiff is therefore informed and believes she is entitled to judgment against the Defendant for damages.

FOR A SECOND CAUSE OF ACTION

(Negligence of Old Dominion)

19. The Plaintiff repeats the foregoing allegations as if repeated here, verbatim.
20. Old Dominion is liable under the doctrine of respondeat superior or vicarious liability for the tortious acts and/or omissions of its agents, employees, servants, or contractors, including the driver of the subject truck.
21. Old Dominion is liable for tortiously failing to properly instruct, train, and supervise its employee, agent, servant, or contractor.
22. Old Dominion is liable for negligently instituting, either expressly or by implication, policies,

and practices that encouraged its drivers to operate vehicles in an unsafe or imprudent manner and that compromised the safety of other drivers on the roadway, and the safety of Plaintiff in particular.

23. Together with the negligence of its truck driver, the tortious acts and/or omissions committed by Old Dominion, or through its agents, employees, servants, or contractors, as set forth above, directly and/or proximately caused the subject collision and injuries to the Plaintiff.
24. Old Dominion is liable, along with its truck driver for the injuries and damages Plaintiff suffered as a direct and/or proximate result of Defendants' negligence, which damages will be determined based upon the evidence at trial.

FOR A THIRD CAUSE OF ACTION

(Negligent Entrustment)

25. The Plaintiff repeats the foregoing allegations as if repeated here, verbatim.
26. Plaintiff is further entitled to damages from Old Dominion due to its negligent entrustment of its job performance or assignment to its truck driver.
27. As a result of said negligent entrustment, Plaintiff suffered injuries.
28. As a result, Plaintiff suffered and continues to suffer bodily, mental, and emotional pain and suffering, diminished enjoyment of life, and medical-related expenses and lost wages.
29. The Plaintiff is therefore informed and believes she is entitled to judgment against Old Dominion for damages.

FOR A FOURTH CAUSE OF ACTION

(Negligent Hiring)

30. The Plaintiff repeats the foregoing allegations as if repeated here, verbatim.
31. Plaintiff is further entitled to damages from Old Dominion due to its negligent hiring and/or contracting with its truck driver to haul goods over the highways of South Carolina when it knew or should have known that its truck driver was not a safe driver, and it was likely that some injury would occur.
32. As a result of said negligent hiring, Plaintiff suffered serious injury.
33. As a result, Plaintiff suffered and continues to suffer bodily, mental, and emotional pain and suffering, diminished enjoyment of life, and medical-related expenses and lost wages.

34. The Plaintiff is therefore informed and believes she is entitled to judgment against Old Dominion for damages.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for a jury trial, and judgment against the Defendants for actual damages, punitive damages, nominal damages, the costs of this action, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

THE MELONAKOS LAW FIRM
1310 Augusta Street
Greenville, SC 29605
864-485-5555
864-752-1600
ryan@scinjuryattorney.com

s/ Ryan P. Alderson
Ryan P. Alderson, Esq.
SC Bar No. 103126
Attorney for Plaintiff


**CT Corporation
Service of Process Notification**

 10/03/2022
CT Log Number 542420468

Service of Process Transmittal Summary

TO: Ross H. Parr
Old Dominion Freight Line, Inc.
500 Old Dominion Way
Thomasville, NC 27360-8923

RE: Process Served in South Carolina

FOR: Old Dominion Freight Line, Inc. (Domestic State: VA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: SARAH MARTIN // To: Old Dominion Freight Line, Inc.

CASE #: 2022CP3600388

NATURE OF ACTION: Personal Injury

PROCESS SERVED ON: CT Corporation System, Columbia, SC

DATE/METHOD OF SERVICE: By Traceable Mail on 10/03/2022

JURISDICTION SERVED: South Carolina

ACTION ITEMS: CT has retained the current log, Retain Date: 10/03/2022, Expected Purge Date: 10/08/2022

Image SOP

Email Notification, Kelly Fesperman kelly.fesperman@odfl.com

Email Notification, Ross H. Parr ross.parr@odfl.com

Email Notification, Peter Murphy Peter.murphy@odfl.com

Email Notification, Wendy English wendy.english@odfl.com

REGISTERED AGENT CONTACT: C T Corporation System
2 Office Park Court
Suite 103
Columbia, SC 29223
866-665-5799
SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

USPS CERTIFIED MAIL™

The Melonakos Law Firm
1310 AUGUSTA ST
GREENVILLE SC 29605-4026

USPS CERTIFIED MAIL



9414 8118 9876 5817 0353 31

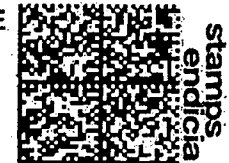
Old Dominion Freight Line
c/o CT Corporation System
2 OFFICE PARK CT STE 103
COLUMBIA SC 29223-5948



Sarah Martin

\$8.16 US POSTAGE
FIRST-CLASS
Sep 29 2022
Mailed from ZIP 29605
5 oz First-Class Mail Flats Rate

11923275



062S0012913542

The Melonakos Law Firm
1310 AUGUSTA ST
GREENVILLE SC 29605-4026

USPS CERTIFIED MAIL



9414 8118 9876 5817 0353 31

Old Dominion Freight Line
c/o CT Corporation System
2 OFFICE PARK CT STE 103
COLUMBIA SC 29223-5948



Sarah Martin

\$8.16 US POSTAGE

FIRST-CLASS

Sep 29 2022

Mailed from ZIP 29605

5 oz First-Class Mail Flats Rate

11923275



062S0012913542